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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,278	04/23/2001	James Pangerc	0275Y-000357	3325

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 08/19/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/840,278

Applicant(s)

PANGERC ET AL.

Examiner

Stephen J. Castellano

Art Unit

3727

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 06 August 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☐ Other (including any explanation in support of the above items):

See Continuation Sheet


Stephen J. Castellano
Primary Examiner
Art Unit: 3727

Continuation of 9. Other (including any explanation in support of the above items): Item 6: For each issue on appeal, identify whether the claims stand or fall together or do not stand or fall together. If claims do not stand or fall together, specifically identify, for each issue, which claims are grouped together as standing or falling together and which claims stand or fall by themselves. For each issue, applicant must provide a separate argument for each grouping stating why that grouping is separately patentable should the other groupings be deemed unpatentable.

Specifically, applicant has not included the required statement that one or more claims stand or fall together but implies that claims do not stand or fall together by grouping claims. Therefore, item 6(b) is the closest since the grouping submitted implies that the claims do not stand or fall together. Applicant must be clear as to (1) do the claims stand or fall together and (2) if they do not stand or fall together, the grouping of the claims.

Claims 7, 8, 13, 19 and 20 have been separately grouped yet are not separately argued. Claim 7 is not grouped with claims 2-6 and 18, but claim 7 is not even separately mentioned, much less separately argued. Claim 8 is not grouped with claims 6, 7, 19 and 20, but is not separately argued. Claim 13 is not grouped with claim 12, but is not separately argued. Claims 7, 8, 19 and 20 are not specified in the grouping of the claims. Claims 19 and 20 are not separately and individually argued.

Item 8: Claim 14 can not be appealed.